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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	9

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,576	KRACK, MIKE	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-42 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3, 5-6 and 25** are rejected under 35 U.S.C. 102(b) as being anticipated by Nakashima (US 5,479,490).

Regarding **claim 1**, Nakashima discloses a voice responsive remote-controllable system (column 1, lines 10-14), (which reads on claimed "an interactive voice response system for a telecommunications system"), comprising:

an adjunct processor (5 on FIG. 1) that outputs an output data (column 4, line 32 "a voice signal output") stream to a user (column 4, lines 29-40) [The automatic answering circuit outputs the voice signal from the voice output terminal]; and

a speech gateway enabling system (9 on FIG. 1) comprising:

a speech recognition engine (41 on FIG. 1) operable to identify words (column 4, line 50 "a voice") in an input voice stream (column 4, line 52 "feature data") received from the user on a first communication path (column 4, line 29 "a line") extending between the user and the speech gateway enabling system

(column 4, lines 49-61) [The speech recognition carries out the detection of the voice period and the extraction of the feature of an input signal]; and

a speech gateway controller (43 on FIG. 1) operable:

(a) to transfer at least a portion of the input voice stream (column 4, line 65 "a voice command") from the first communication path to a second communication path (45 on FIG. 1) extending between the speech gateway enabling system to the adjunct processor (column 4, line 62 to column 5, line 1) [The control signal outputs a voice command request signal to the switch and a voice command request terminal of the automatic answering circuit]; and

(b) to transfer the at least a portion of the input voice stream from the first communication path to the speech recognition engine for processing (column 4, lines 41-49) [A voice signal from the output terminal is imputed to the speech recognition for processing].

Regarding **claim 2**, Nakashima discloses wherein the speech gateway enabling system comprises a speech digitizer that converts the input voice stream from analog to digital form and the first and second communication paths are trombone together (column 6, lines 17-30).

Regarding **claim 3**, Nakashima discloses wherein the first and second communication paths are configured by a switching system and the speech gateway controller is further operable to generate and transmit a command signal to the adjunct processor based on words identified by the speech recognition engine (9 on FIG.1).

Regarding **claim 5**, Nakashima discloses wherein switching system comprises a plurality of communication ports and the first communication path extends between first and second communication ports of the switching system and the second communication path extends between different third and fourth communication ports of the switching system (column 4, lines 29-49)

Regarding **claim 6**, Nakashima discloses wherein the speech gateway controller performs operation (b) in a first operational mode and wherein the speech enabling gateway controller is also operable (c) to transfer at least a portion of the output data stream from the second communication path to the first communication path and (d), in a second operational mode, to transfer the at least a portion of the output data stream from the second communication path to the speech recognition engine for processing (column 4, lines 41-61).

Regarding **claim 25**, Nakashima discloses wherein the first operational mode is performed in response to a command signal from the user and the second operational mode is performed in response to a command signal from the adjunct processor (column 9, lines 24-39).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 29-33, 35-37 and 42** are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al. (US 6,385,584).

Regarding **claim 29**, McAllister discloses a method for providing automated voice responses with variable user prompting (column 1, lines 6-9), (which reads on claimed "a method of providing interactive voice response capability in a telecommunications system"), comprising:

(a) directing to a speech recognition engine (114 on FIG. 1) at least a portion of an output data stream (column 5, line 50 "a speech signal") received from a second adjunct processor (102 on FIG. 1) on a second communication path (118 on FIG. 1) extending between the second adjunct processor and a first adjunct processor (column 5, lines 43-60) [The speech signal from the telephone interface is sent to the speech recognition engine];

(b) detecting with the speech recognition engine, at least some of the words in the at least a portion of the output data stream (column 5, lines 54-60) [The buffered speech is processed to extract the phonetic components];

(c) transferring the output data stream to the second communication path (column 5, line 50-54) [The speech signal is received at the speech recognition client for processing];

(d) comparing at least some of the detected words with at least one command signal (column 5, lines 54-60) [The phonetic components are match with the appropriate speech models]; and

(e) when the output data stream includes a command signal, terminating the directing step (column 6, lines 20-38) [The phonemes are compared to names, if a name is found the system proceeds to retrieve the associated telephone number].

Regarding **claim 30**, McAllister discloses:

(f) directing to the speech recognition engine at least a portion of an input voice stream received from a user and the first adjunct processor (column 5, lines 43-60);

(g) detecting with the speech recognition engine at least some words in the at least a portion of the input voice stream (column 5, lines 54-60);

(h) transferring the input voice stream to the second communication path extending between the first and second adjunct processors (column 5, line 50-54);

(i) comparing at least some of the detected words with a grammar, the grammar correlating a plurality of words with a corresponding plurality of command codes, to identify corresponding command codes for each of the at least some of the detected words (column 5, lines 54-60); and

(j) transmitting a command signal corresponding to at least one identified command code on the second communication path (column 6, lines 20-38).

Regarding **claim 31**, McAllister discloses wherein the directing and transferring steps occur at least substantially simultaneously (column 5, lines 43-60).

Regarding **claim 32**, McAllister discloses wherein the grammar further includes at least one switch symbol for at least one of enabling and disabling the directing steps (a) and (f) (column 5, lines 50-60).

Regarding **claim 33**, McAllister discloses:

(k) converting the input voice stream from an analog from to a digital form (column 4, lines 24-31).

Regarding **claim 35**, McAllister discloses wherein transferring step (c) and the directing step (a) occur at least substantially simultaneously (column 5, lines 43-60).

Regarding **claim 36**, McAllister discloses wherein the directing step (a) and (f) occur at different times and the transferring steps (c) and (h) occur at least substantially simultaneously (column 5, lines 43-60).

Regarding **claim 37**, McAllister discloses:

(f) muting the first communication path when the transmitting step (j) is performed (column 7, lines 41-67).

Regarding **claim 42**, McAllister discloses wherein the directing step (f) and transferring step (h) occur simultaneously (column 5, lines 43-60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 4, 7-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Lustgarten et al. (US 6,389,398).

Regarding **claim 4**, Lustgarten teaches wherein the speech enabling gateway system comprises grammar correlating a plurality of words with a corresponding plurality of DTMF codes in the command set of the adjunct processor (column 3, lines 1-16).

Regarding **claim 7**, Nakashima discloses a voice responsive remote-controllable system (column 1, lines 10-14), (which reads on claimed "a method of providing interactive voice response capability in a telecommunications system"), comprising:

(a) directing to a speech recognition engine (41 on FIG. 1) at least a portion of an input voice stream (column 4, line 32 "a voice signal output") received from a user (1 on FIG. 1) on a first communication path (column 4, line 29 "a line") extending between the user and a first adjunct processor (column 4, lines 32-40) [The voice output terminal outputted from the confirmation tone];

(b) detecting, with the speech recognition engine, at least some of the words in the at least a portion of the input voice stream (column 4, lines 49-53) [The speech recognition detects a voice period from the extracted feature data];

(c) transferring the input voice stream to a second communication path extending between the first adjunct processor and a second adjunct processor (column 4, line 63 to column 5 line 1) [The control signal outputs a voice command request signal to the switch].

Nakashima fails to disclose a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal.

Lustgarten teaches:

(d) comparing at least some of the detected words with a grammar (12C on FIG. 1), the grammar correlating a plurality of words (column 3, line 3 "voice

commands") with a corresponding plurality of command codes (column 3, line 12 "DTMF"), to identify corresponding command codes for each of the at least some of the detected words (column 3, lines 1-16); and

(e) transmitting a command signal (column 2, lines 30-31 "dial tones") corresponding to at least one identified command code on the second communication path (column 2, lines 31 "telephone line") (column 2, lines 25-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal of Lustgarten in the invention of Nakashima.

The modification of the invention would offer the capability of a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal such as the system would automatically accessing information on the network telephony.

Regarding **claim 8**, Nakashima discloses wherein the directing and transferring steps occur at least substantially simultaneously (column 4, lines 41-61).

Regarding **claims 9 and 18**, Lustgarten teaches wherein the grammar further includes at least one switch symbol for at least one of enabling and disabling the directing step (a) (column 3, lines 1-16).

Regarding **claims 10 and 19**, Nakashima discloses wherein the speech gateway enabling system comprises a speech digitizer that converts the input voice stream from analog to digital form (column 6, lines 17-30).

Regarding **claims 11 and 20**, Nakashima discloses :

(f) configuring the first communication path for a first communication session initiated by the user with the first adjunct processor (column 4, lines 29-40); and

(g) thereafter configuring the second communication path for a second communication session, initiated by the first adjunct processor, between the first and second adjunct processors (column 7, lines 36-67).

Regarding **claims 12 and 21**, Nakashima discloses

(f) transferring an output data stream from the second communication path to the first communication path the output data stream being received from the second adjunct processor (column 8, lines 11-46).

Regarding **claim 13**, Nakashima discloses wherein transferring steps (c) and (f) occur at least substantially simultaneously (column 8, lines 47-61).

Regarding **claims 14 and 22**, Nakashima discloses

(f) muting the first communication path when the transmitting step (e) is performed (column 8, lines 47-61).

Regarding **claims 15 and 23**, Nakashima discloses

(f) determining if the output from the speech recognition engine includes a switch symbol (column 9, lines 3-24); and

(g) when the output includes a switch symbol, at least one of enabling or disabling the directing step (a) (column 9, lines 25-40).

Regarding **claims 16 and 24**, Nakashima discloses

(f) determining if one of the first and second communication paths has been disconnected (column 12, lines 34-49); and

(g) when one of the first and second communication paths has been disconnected, disconnecting the other of the first and second communication paths (column 12, lines 50-64).

Regarding **claim 17**, Nakashima discloses a voice responsive remote-controllable system (column 1, lines 10-14), (which reads on claimed "a system of providing interactive voice response capability in a telecommunications system"), comprising:

first and second adjunct processors (24 and 38 on FIG. 1);

a speech recognition engine (41 on FIG. 1) that detects at least some words in an input voice stream (column 4, line 32 "a voice signal output") received from a user (1 on FIG. 1) on a first communication path (column 4, line 29 "a line") extending between the user and the first adjunct processor (column 4, lines 32-40) [The voice output terminal outputted from the confirmation tone];

directing means for directing to the speech recognition engine at least a portion of the input voice stream (column 4, lines 49-53) [The speech recognition detects a voice period from the extracted feature data];

transferring means for transferring the at least a portion of the input voice stream to a second communication path extending between the first adjunct processor and the second adjunct processor (column 4, line 63 to column 5 line 1) [The control signal outputs a voice command request signal to the switch].

Nakashima fails to disclose a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal.

Lustgarten teaches comparing means for comparing at least some of the detected words with a grammar (12C on FIG. 1), the grammar correlating a plurality of words with a corresponding plurality of DTMF codes (column 3, line 3 "voice commands"), to identify corresponding DTMF codes for each of the at least some of the detected words (column 3, lines 1-16);

transmitting means for transmitting a DTMF signal corresponding to at least one identified DTMF code on a second communication path (column 2, lines 31 "telephone line") extending between the first adjunct processor and the second adjunct processor(column 2, lines 25-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal of Lustgarten in the invention of Nakashima.

The modification of the invention would offer the capability of a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal such as the system would automatically accessing information on the network telephony.

7. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Fawcett et al. (US 5,802,526).

Regarding **claim 26**, Faucet teaches wherein the speech gateway controller is operable to place the user on hold while the command codes are transmitted to the adjunct processor (column 2, lines 21-35).

8. **Claims 27-28 and 40-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Lustgarten and in further view of McAllister.

Regarding **claim 27**, McAllister teaches wherein the plurality of command codes are DTMF codes and the command signal is a DTMF signal (column 7, lines 31-40).

Regarding **claim 28**, McAllister discloses:

(g) directing to the speech recognition engine at least a portion of the output data stream received from the second adjunct processor on the second communication path extending between the first and second adjunct processors (column 5, lines 43-60);

(h) determining when the output data stream includes a switch symbol (column 5, lines 54-60);

(i) when the output data stream includes a switch symbol, directing step (g) is performed and, when the input voice stream includes a switch symbol, directing step (a) is performed (column 6, lines 20-38).

Regarding **claim 40**, McAllister teaches wherein the directing step (a) and (g) occur at different times and the transferring steps (c) and (f) occur at least substantially simultaneously (column 5, lines 43-60).

Regarding **claim 41**, McAllister teaches wherein the directing and transferring operations occur simultaneously (column 5, lines 43-60).

9. **Claims 34 and 38-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Lustgarten and in further view of McAllister.

Regarding **claim 34**, Nakashima teaches:

(k) configuring the first communication path for a first communication session initiated by the user with the first adjunct processor (column 12, lines 34-49); and

(l) thereafter configuring the second communication path for a second communication session, initiated by the first adjunct processor, between the first and second adjunct processors (column 12, lines 50-64).

Regarding **claim 38**, Nakashima teaches:

(k) determining when the at least a portion of the input voice stream includes a switch symbol (column 12, lines 34-49); and

(l) when the at least a portion of the input voice stream includes a switch symbol, at least one of enabling or disabling the directing step (f) (column 12, lines 50-64).

Regarding **claim 39**, Nakashima teaches:

(f) determining when one of the first and second communication paths has been disconnected (column 12, lines 34-49); and

(g) when one of the first and second communication paths has been disconnected, disconnecting the other of the first and second communication paths (column 12, lines 50-64).

Response to Arguments

10. Applicant's arguments filed on July 7, 2003 have been fully considered but they are not persuasive.

The Applicant stated on page 14 ¶ 2 that Nakashima does not forward the voice command signal to the answering circuit.

The Examiner respectfully disagrees.

Nakashima (column 8, lines 62-66) stated the control circuit outputs a voice command to voice request terminal of the automatic answering circuit.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

g.g.
September 11, 2003

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